IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1144/06

Mr.Rajendra P. Padte .....Applicant

V/s.

The state of Maharashtra .... Respondent

Shri.Ganesh Gole Adv. for the applicant
Miss.S.D.Shinde for the State

CORAM : V.M. KANADE, J.
DATE : 12/04/06

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.03/2006 registered by Anti Corruption bureau for the offences punishable U/s. 13(1)(e) and Sec.13 (2) of Prevention of Corruption Act and Sec.109 of IPC. Period of 60 days would be over by 20th April, 2006. However, chargesheet has not been filed so far. Additional affidavit has been filed. State submits that investigation is still in progress and if applicant is released on bail, there is a

likelihood that he may tamper with the evidence or threaten the witnesses.

3. It is alleged that applicant was used as a conduit and has siphoned off ill-gotten wealth of main accused Daya Nayak and he had withdrawn Rs.13 lacs from the account of wife of the applicant.

4. It is alleged that applicant had purchased two vehicles namely One Tata Sumo and Mercedes Car. Apart from these allegations, no material has been recovered during the course of investigation. In my view, since investigation pertains to role of abetment made by present applicant and evidence is still in the form of documents, statements in respect of RTO records and two vehicles which are allegedly held by present applicant, there is no possibility of applicant tampering the evidence. Considering the slow pace in which investigation is proceeding, it is unlikely that chargesheet would be filed by 20th April, 2006. Other co-accused Manivelan had to be released on bail since chargesheet was not filed within stipulated period of 60 days and therefore, he had to be given benefit of provisions of Sec.167(2).

Even otherwise in the present case, it appears that chargesheet may not be filed by 20th April, 2006. Even if chargesheet is filed and investigation is completed, it is not appropriate to detain the present applicant indefinitely in the jail as trial is not likely to commence in the near future.

5. Considering the facts and circumstances of this case, in my view, applicant is liable to be released on bail.

6. The applicant be released on bail in the sum of Rs.10,000/- with one or two sureties in like amount. The applicant shall not tamper the evidence or threaten the witnesses. The applicant shall report to ACP Anti Corruption Bureau once in a week till filing of chargesheet and thereafter once in a month to ACP Anti Corruption Bureau. The applicant shall co-operate to I.O. and report to ACP Anti Corruption Bureau as and when called and it is clarified that applicant shall be called during business hours between 11.00 a.m. to 5.00 p.m.

7. If any complaint is received by I.O. against the present applicant, liberty is given to the Public

Prosecutor to apply for cancellation of bail.

8. The Trial Court shall not be influenced by any observations made by this court while deciding the application and they shall not be construed as an expression of opinion on merits of the case.

9. Application is accordingly disposed of.

V.M. KANADE, J.